REMARKS

Before addressing the merits of the final Office Action dated June 16, 2005, Applicant wishes to point out some important features of the present invention. Applicant's invention allows a user to retrieve desired information from a pre-defined portion of a pre-selected web site using speech commands, and the desired information is converted into an audio message which is transmitted to the user over a phone. The user provides a computer with the web site URL and the pre-defined portion of the pre-selected web site where the desired information may be found. The computer creates a descriptor or instruction set that includes the web site URL and the pre-defined portion of the pre-selected web site where the desired information may be found. The user then provides the computer with a speech command that is assigned by the computer to the descriptor or instruction set. Then, by using a phone, the user may retrieve the desired information by uttering the assigned speech command. Upon utterance of the speech command over the phone, the computer accesses the web site and retrieves the desired information from the pre-defined portion of the pre-selected web site corresponding to the descriptor or instruction set. The computer converts the desired information into an audio message and then forwards the audio message to the user over the phone.

As an example, a user may desire the current weather conditions in Chicago. Using a computer, the user provides a web site URL, such as www.cnn.com, that has the current weather conditions for Chicago. But as the CNN web site has a multitude of pages and significantly more available information than the current weather conditions of Chicago, the user identifies the portion of the CNN web site that includes the current weather conditions of Chicago. For instance, while viewing the CNN web site on a graphical display, such as a monitor operatively connected to the computer, the user may use computer software to select the portion of the CNN web site that includes Chicago weather conditions, such as by drawing a box around the text. The computer creates a descriptor or instruction file that includes the CNN web site URL (www.cnn.com) and the portion of the CNN web site, as selected by the user, that includes the current weather conditions for Chicago. The user provides the computer with a speech command, such as "Chicago weather," and the computer assigns the speech command to the descriptor or instruction set. Then, by using a phone, such as a cell phone, landline telephone, or

an IP phone, the user may retrieve the current weather conditions in Chicago by uttering the

"Chicago weather" speech command. Upon uttering the "Chicago weather" speech command,

the computer retrieves the descriptor or instruction set assigned to the speech command. Then,

the computer goes to the portion of the CNN web site identified by the descriptor or instruction

set and retrieves the desired information. The computer then uses speech processors to convert

the desired information into an audio message comprising the current weather conditions in

Chicago, and the audio message is forwarded to the user over the phone connection. In this

manner, by uttering "Chicago weather" into, for example, a cell phone, the computer retrieves the

desired information according to instructions previously provided by the user. The computer

then converts the desired information into an audio message, such as "Party cloudy, twenty-eight

degrees, strong winds," and the audio message is forwarded over the phone to the user.

These features of the present invention are an important advancement over the prior art.

In the system disclosed by U.S. Patent No. 5,819,220 to Sarukkai et al. ("the Sarukkai Patent"), a

user cannot retrieve desired information from a pre-defined portion of a pre-selected web site

using speech commands. *See* Sarukkai Patent, col. 7, ll. 11-60. Rather, the user's speech

commands are used only to navigate the Internet. *See id.* at Table 1 (listing specific web site

addresses and the corresponding speech commands). For instance, uttering the speech command

"Home" only brings the user to the web site for the University of Rochester but does not retrieve

desired information from a pre-defined portion of the University's web site. *Id.* at col. 7, ll. 11-

60.

Applicant has amended independent claim 32 to further emphasize these important

features of the present invention. Additionally, claims 1-31 and 35-49 have been canceled, and

claims 50-67 have been added to further protect Applicant's invention. Accordingly, the

Examiner is requested to withdraw the rejections and enter a timely Notice of Allowance.

Rejection under 35 U.S.C. § 103(a):

The amendment is believed to obviate the rejection of claims 1-16, 24, 28-37, 41, 45, 46,

48, and 49 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,819,220 to

Sarukkai et al. ("the Sarukkai Patent") in view of U.S. Patent No. 5,884,266 to Dvorak ("the

Dvorak Patent"), and claims 17-19, 21-23, 25-27, 38-40, 42-44, and 47 over the Sarukkai and

Dvorak Patents in view of U.S. Patent No. 6,269,336 to Ladd et al. ("the Ladd Patent").

Applicant has canceled claims 1-31 and 35-49. Additionally, Applicant has amended

independent claim 32 to include the step "using said computer to designate a pre-defined portion

of the pre-selected web site which contains the information to be retrieved."

By contrast, the Sarukkai Patent does not disclose the step "using said computer to

designate a pre-defined portion of the pre-selected web site which contains the information to be

retrieved." The system disclosed by the Sarukkai Patent does not allow a user to designate a pre-

defined portion of the web site which contains the information to be retrieved. *See* Sarukkai

Patent, col. 7, ll. 11-60. Rather, the system disclosed by the Sarukkai Patent only allows a user to

navigate web sites and does not allow the user to designate any information on a web site,

especially not desired information from a pre-defined portion of a pre-selected web site. *See id.*

This deficiency is not cured by the Dvorak Patent. The system disclosed by the Dvorak

Patent does not allow a user to designate a pre-defined portion of the web site which contains the

information to be retrieved. *See* Dvorak Patent, col. 4, ll. 3-23. The system disclosed by the

Dvorak Patent accesses a web site, converts all of the text appearing on the web site into speech,

and provides all of the converted text to the user. *Id.* The system does not designate any of the

text on a web site, especially not text from a pre-defined portion of a pre-selected web site. *See*

id.; see also Fig. 3.

Similarly, this deficiency is not cured by the Ladd Patent. The system disclosed by the

Ladd Patent does not allow a user to designate a pre-defined portion of the web site which

contains the information to be retrieved. *See* Ladd Patent, col. 3, l. 24 – col. 5, l. 36. The Ladd

Patent relates to using a telephone to utter speech commands and does not disclose designating

any information on any web site, especially not desired information from a pre-defined portion of

a pre-selected web site. *See id.*

The proposed combination of the Sarukkai, Dvorak, and Ladd Patents does not include

the step "using said computer to designate a pre-defined portion of the pre-selected web site

which contains the information to be retrieved." Accordingly, the proposed combination does

not result in the claimed invention. *See In re Royka*, 490 F.2d 981 (C.C.P.A. 1974) (stating that

all elements of a claim must be disclosed by the prior art to support a *prima facie* case of

obviousness).

Moreover, there is no motivation to combine the Sarukkai, Dvorak, and Ladd Patents.

First, there is no suggestion in any of these references supporting their combination, and the

Office Action does not provide any such motivation for the combination of these references. *See*

In re Vaeck, 947 F.2d 488 (Fed. Cir. 1991) (stating that the suggestion to make the claimed

combination must be found in the prior art, and not based on the applicant's disclosure). The

only way to arrive at the proposed combination is to rely on hindsight in view of the application.

The Federal Circuit has held that "one cannot use hindsight reconstruction to pick and choose

among isolated disclosures in the prior art to deprecate the claimed invention." *In re Fine*, 837

F.2d 1071, 1075 (Fed. Cir. 1988).

Accordingly, the rejection based on the combination of the Sarukkai, Dvorak, and Ladd

Patents should be withdrawn and amended independent claim 32, and those claims depending

therefrom, should be allowed.

Rejection under 35 U.S.C. § 112:

The amendment is believed to obviate the rejection of claims 14 and 15 under 35 U.S.C.

§ 112, Second Paragraph, as being indefinite. Applicant has canceled claims 14 and 15.

Accordingly, the rejection under Section 112 should be withdrawn.

Additional Claims:

Applicant has added claims 50-67 to further protect Applicant's invention. These claims

have additional patentable elements not disclosed by the combination of the Sarukkai, Dvorak,

and Ladd Patents. For example, independent system claim 53 includes "at least one instruction

set stored on said server for identifying the pre-defined portion of the pre-selected web site, said

pre-defined portion containing the information to be retrieved from the web site." The Sarukkai

Patent does not disclose an instruction set identifying a pre-defined portion of a pre-selected web

site. *See* Sarukkai Patent, col. 7, ll. 11-60. Similarly, the Dvorak Patent does not disclose an

instruction set identifying a pre-defined portion of a pre-selected web site. *See* Dvorak Patent,

col. 4, ll. 3-23. Additionally, the Ladd Patent does not disclose an instruction set identifying a

pre-defined portion of a pre-selected web site. *See* Ladd Patent, col. 3, l. 24 – col. 5, l. 36.

Accordingly, the combination of the Sarukkai, Dvorak, and Ladd Patents does not disclose "at

least one instruction set stored on said server for identifying the pre-defined portion of the pre-selected web site, said pre-defined portion containing the information to be retrieved from the web site."

As another example, claim 53 includes a "web browser configured to access said pre-defined portion of said web site defined by said instruction set and to retrieve said information defined by said instruction set." The Sarukkai Patent does not disclose a web browser configured to access a pre-defined portion of a pre-selected web site. *See* Sarukkai Patent, col. 7, ll. 11-60. Similarly, the Dvorak Patent does not disclose a web browser configured to access a pre-defined portion of a pre-selected web site. *See* Dvorak Patent, col. 4, ll. 3-23. Additionally, the Ladd Patent does not disclose a web browser configured to access a pre-defined portion of a pre-selected web site. *See* Ladd Patent, col. 3, l. 24 – col. 5, l. 36. Accordingly, the combination of the Sarukkai, Dvorak, and Ladd Patents does not disclose a "web browser configured to access said pre-defined portion of said web site defined by said instruction set and to retrieve said information defined by said instruction set."

Similarly, independent method claim 62 includes the step "providing at least one instruction set stored on said server for identifying the pre-defined portion of a pre-selected web site containing the information to be retrieved from the web site." The Sarukkai Patent does not disclose the step of providing an instruction set identifying a pre-defined portion of a pre-selected web site. *See* Sarukkai Patent, col. 7, ll. 11-60. Similarly, the Dvorak Patent does not disclose the step of providing an instruction set identifying a pre-defined portion of a pre-selected web site. *See* Dvorak Patent, col. 4, ll. 3-23. Additionally, the Ladd Patent does not disclose the step of providing an instruction set identifying a pre-defined portion of a pre-selected web site. *See* Ladd Patent, col. 3, l. 24 – col. 5, l. 36. Accordingly, the combination of the Sarukkai, Dvorak, and Ladd Patents does not disclose the step "providing at least one instruction set stored on said server for identifying the pre-defined portion of a pre-selected web site containing the information to be retrieved from the web site."

Additionally, claim 62 includes the step "accessing said pre-defined portion of said pre-selected web site defined by said instruction set and retrieving said information defined by said instruction set." The Sarukkai Patent does not disclose the step of accessing a pre-defined portion of a pre-selected web site. *See* Sarukkai Patent, col. 7, ll. 11-60. Similarly, the Dvorak
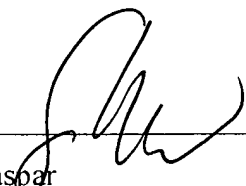
Patent does not disclose the step of accessing a pre-defined portion of a pre-selected web site. *See* Dvorak Patent, col. 4, ll. 3-23. Additionally, the Ladd Patent does not disclose the step of accessing a pre-defined portion of a pre-selected web site. *See* Ladd Patent, col. 3, l. 24 – col. 5, l. 36. Accordingly, the combination of the Sarukkai, Dvorak, and Ladd Patents does not disclose the step "accessing said pre-defined portion of said pre-selected web site defined by said instruction set and retrieving said information defined by said instruction set."

CONCLUSION

In view of the above amendments and remarks, Applicant believes claims 32-34 and 50-67 are now in position for allowance and respectfully requests a timely Notice of Allowance in this case.

Applicant has enclosed a check as payment for the Request for Continued Examination and the Petition for Extension of Time (three months). Should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Kelley Drye & Warren LLP, Deposit Account No. 11-0404, Order No. 015749-0009.

Respectfully submitted,

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